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*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 800—Education Flexibility Partnership Act**

**H.R. 808—Extending Chapter 12 of the Bankruptcy Code (Vote Only)**

**H.R. 540—Nursing Home Resident Protection Amendments (Vote Only)**

**H.Res. 32—Expressing Support for Free Elections in Indonesia (Vote Only)**

**H.Con.Res. 28—Sense of Congress on Chinese Human Rights Abuses (Vote Only)**



**H.R. 800—Education Flexibility Partnership Act**

**Floor Situation:** The House is scheduled to consider H.R. 800 as its first order of business today. Yesterday, the Rules Committee granted a modified open rule that provides one hour of general debate, equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. The rule provides a total of five hours for debating amendments and waives the requirement that the committee report be available for three days before floor consideration. It makes a committee amendment in the nature of a substitute in order as base text and requires that amendments be pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 800 expands to all 50 states the “Ed-Flex” demonstration program, which is currently limited to 12 states. The Ed-Flex program, created in 1994 under the Goals 2000: Educate America Act (*P.L. 103-227*), gives states, in exchange for increased accountability for results, the authority to waive certain federal statutory and regulatory requirements. The bill makes the Ed-Flex demonstration a nationwide, stand-alone program, and thus does not amend the Goals 2000 Act. To qualify for Ed-Flex waivers, states must (1) have in place, or be in the process of developing, approved challenging educational content standards and performance measures; and (2) hold local

educational agencies (LEAs) accountable for meeting the educational goals submitted in their applications for waivers. In addition, states must waive their own education regulations. The waiver authority will not apply to federal health, safety, or civil rights rules—nor will it apply to the Individuals with Disabilities Education Act (IDEA).

Three years after a state is approved for Ed-Flex, the Education Secretary will conduct performance reviews. If a state educational agency fails to make measurable progress in meeting their stated objectives, the secretary may revoke its waiver authority. After five years, each state must reapply for Ed-Flex status. (The 12 states currently participating in the Ed-Flex program will not be affected by the bill until their original waiver authority expires, at which time they must reapply.)

A CBO cost estimate was unavailable at press time. However, CBO estimated that enactment of S. 280, a similar bill under consideration in the Senate, would have no impact on the federal budget. The bill does not affect direct spending, so pay-as-you-go procedures do not apply. The bill was introduced by Mr. Castle and Mr. Roemer and was reported by the Education & the Workforce Committee by a vote of 33-9 on March 3, 1999.

**Views:** The Republican Leadership supports passage of the bill. The Clinton Administration also supports the measure; however, the president and Senate Democrats have contended that the Ed-Flex program should have been included in a measure to reauthorize the ESEA and should have authorized the president’s funding request for 100,000 new teachers and school reconstruction.

**Amendments:** At press time, the *Legislative Digest* was aware of the following amendments to H.R. 800:

**Mr. Castle** may offer an amendment (#2) to require states to declare whether or not their student performance data are valid and reliable. If the data are not reliable, the amendment requires states to outline a plan for improving their methods of evaluating student performance. **Staff Contact:** *Melanie Merola, x5-4165*

**Mr. Clay or Ms. Clayton** may offer an amendment (#3, #4, or #5) to authorize \$11.5 billion for FYs 2000-2005 for a K-12 class-size reduction initiative in order to bring classroom sizes to 18 or fewer students per classroom. States will receive the funds and allocate them to local educational agencies (LEAs). Eighty percent of the funds must be allocated in proportion to the number of students from families below the poverty line and who reside in the school district served by the LEA. Each LEA will use the funds to recruit, hire, and train new teachers. The amendment prohibits funds from being used to raise the salaries of teachers already employed. For LEAs that have already reduced K-12 class sizes to 18 or fewer children, the amendment allows funds to be used for making further reductions in grades K-3 and to improve teacher quality. Finally, the amendment requires states to report annually on its class-reduction activities to parents and state education agencies. **Contact:** *x5-2406 (Clay); x5-3101 (Clayton)*

**Mr. Ehlers** may offer an amendment (#6) to require that state education agencies ensure that the underlying purposes of the federal programs being waived continue to be met. **Contact:** *x5-3831*

**Mr. Fattah** may offer an amendment (#7, #8, or #9) to require that states maintain a “coefficient of variation” of per pupil expenditures in LEAs—that is, differences or disparities in the amount spent

per pupil in each local school district relative to the statewide per pupil average—of less than 10 percent, not counting federal contributions. **Contact: x5-4001**

**Mr. Holt** may offer an amendment (#10) to require local schools that are applying to waive of the requirements of the Eisenhower Professional Development Program (which provides funding for teacher training, with priority for math and science) to explain in their application how their math and science teachers will be, or are being, trained. **Staff Contact: Sherrie Preische, x5-5801**

**Mr. Kildee** may offer an amendment (#11) to prohibit the Education Secretary from granting waivers to regulations under Title VI of the ESEA—which funds illiteracy programs and teacher training in the use of technology, among other activities—unless 75 percent of funds provided under the title are used to reduce class size. **Contact: x5-3611**

**Mr. Miller (CA)** may offer an amendment (#12) to require states to have a student performance assessment plan already in place before waiver authority is granted. The amendment further requires states to use the same plan for the entire five-year period of waiver authority. The bill allows the Education Secretary to grant waiver authority to states that have made substantial progress toward developing such a plan. In addition, the amendment requires states to (1) establish numerical goals of student performance that are applicable to all students, rather to particular groups of students, and (2) seek to bring the achievements of economically-disadvantaged students closer to those of their peers. **Staff Contact: Charles Barone, x5-2095**

**Mr. Miller (CA)** may offer an amendment (#13) to prohibit the secretary from authorizing waivers for ESEA limitations on the amount of federal funds that states and LEAs may spend on administrative costs. **Staff Contact: Charles Barone, x5-2095**

**Mr. Miller (CA)** may offer an amendment (#14) to prohibit the secretary from authorizing waivers for requirements for teacher aides under the ESEA—specifically, requirements for mastery of the subject matter being taught. **Staff Contact: Charles Barone, x5-2095**

**Ms. Mink** may offer an amendment (#15) to prohibit the Education Secretary from authorizing waivers for professional development requirements under the ESEA, which are targeted toward recruiting and training more math and science teachers. **Contact: x5-4906**

**Ms Mink** may offer an amendment (#16) to prohibit the secretary from allowing states to waive federal sex equity rules. **Contact: x5-4906**

**Mr. Payne** may offer an amendment (#17) to add to the bill's list of findings that a recent Education Department report states that the poorest children can be adversely affected by Ed-Flex waivers because of a reduction in per-pupil spending in districts that received waiver authority. **Contact: x5-3436**

**Mr. Payne** may offer an amendment (#18) to prohibit the secretary from allowing states to waive a provision in the ESEA that requires LEAs to allocate funds in rank order—i.e., providing funds to school districts with concentrations of low-income students first. **Contact: x5-3436**

**Ms. Roybal-Allard** may offer an amendment (#19) to require that state education agencies include in their annual reports to the secretary statistics on the number and percentage of students who drop out of schools that received a waiver—based on gender, race, and ethnic origin. **Staff Contact: Kate Immanuel, x5-1766**

**Mr. Scott** may offer an amendment (#20) to add to the bill's list of findings that the purpose of education flexibility is to allow states, LEAs, and schools to administer federal education programs more effectively without taking money away from schools with the highest concentrations of poor children. **Staff Contact: Denise Forte, x5-8351**

**Mr. Scott** may offer an amendment (#21) to prohibit the secretary from allowing states or state education agencies to waive the requirements for Title I funding if 35 percent or more of the children in the school district come from low-income families. **Staff Contact: Denise Forte, x5-8351**

**Mr. Scott** may offer an amendment (#22) to clarify that nothing in the bill requires LEAs to provide the same per-pupil amount to areas or schools with low concentrations of poverty than to areas or schools with high concentrations of poverty. **Staff Contact: Denise Forte, x5-8351**

**Ms. Tauscher** may offer an amendment (#23) to add to the bill's list of findings that after-school programs enhance the academic performance of students. Therefore, schools that receive waiver authority should promote after-school, educational child care programs for their students. **Contact: x5-1880**

**Ms. Tauscher** may offer an amendment (#24) to add to the bill's list of findings that after-school programs for at-risk juveniles have been shown to reduce juvenile crime on school campuses and promote academic achievement among at-risk youth. Therefore, schools that receive waiver authority should promote after-school programs designed to reduce juvenile criminal activity. **Contact: x5-1880**

**Mr. Wu** may offer an amendment (#25) to add to the bill's list of findings that smaller class sizes allow teachers to identify and work more effectively with students. Therefore, the federal government can assist in these efforts by providing funding for class-size reduction in grades 1-3 and by helping to ensure that teachers are prepared. **Contact: x5-0855**

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #6, March 5, 1999.



## Votes on Bills Considered Under Suspension of the Rules

**Floor Situation:** The House will vote sometime today on the following four bills, which were debated yesterday under suspension of the rules but for which votes were postponed. Each bill requires a two-thirds majority vote for passage.

- \* **H.R. 808—Extending Chapter 12 of the Bankruptcy Code** grants a six-month extension (starting on April 1, 1999) to Chapter 12 of the bankruptcy code, which is

set to expire on March 31, 1999. Congress enacted a short-term extension of the law last fall in the Omnibus Appropriations Act (*P.L. 105-277*). Chapter 12, first enacted in 1986 in response to the farm financial crisis of the early- and mid-1980s (the most severe since the 1920s), is a specialized form of bankruptcy relief available to family farmers. It permits eligible family farmers to reorganize their debts instead of liquidate their assets. The program is intended for farmers (1) who receive more than 50 percent of their gross income from farming, (2) who have total debts of less than \$1.5 million, and (3) whose debts from farming operations are at least 80 percent of total debt. The bill was reported by Mr. Smith (MI) and was reported by the Judiciary Committee by voice vote on March 2, 1999.

- \* **H.R. 540—Nursing Home Resident Protection Amendments** is designed to prevent nursing homes from discriminating against residents who rely on Medicaid to cover their nursing home costs. Specifically, the bill prohibits nursing homes that decide to withdraw from the Medicaid program from evicting any current residents. It does not restrict a facility's ability to withdraw from Medicaid or determine which residents are admitted in the future. However, nursing homes that choose to leave the program must provide "clear and conspicuous" notice to incoming residents that Medicaid payments are no longer accepted and that the facility may transfer residents who pay with private funds, but later become Medicaid-eligible. CBO's preliminary estimate indicates that passage of H.R. 540 will not effect federal Medicaid spending. The bill was introduced by Mr. Davis (FL) and was reported by the House Commerce Committee by voice vote on March 4, 1999.
- \* **H.Res. 32—Expressing Support for Free Elections in Indonesia** urges the Indonesian government to conduct free, fair, and transparent elections this coming June. The measure calls on all Indonesian citizens—political parties, the military, and the public at large—to ensure a peaceful campaign period and to respect the outcome of the elections. The resolution further calls on other countries to provide financial support for Indonesia's elections and recognizes a variety of international organizations, such as the Asian Foundation and the International Republican Institute (IRI), for their assistance. Finally, the resolution urges the Speaker and the minority leader to designate two House members to observe the June 7 elections. The bill was introduced by Mr. Bereuter and was reported by the International Relations Committee by voice vote on March 4, 1999.
- \* **H.Con.Res. 28—Sense of Congress on Chinese Human Rights Abuses** expresses the sense of Congress that the Clinton Administration should urge the United Nations to criticize China's human rights record at the annual meeting of the U.N. Commission on Human Rights to be held in Geneva, Switzerland, from March 22 to April 30, 1999. The measure is a companion to S.Res. 45, which passed the Senate on February 25 by a vote of 99-0.

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #6, March 5, 1999.

